

REMARKS

Claims 31-34, 37, 38, and 40-52 are presently pending in the above-identified patent application. No claim is allowed.

Claims 31-34, 37, 38, and 40-52 have been rejected pursuant to 35 U.S.C. 103(a) as unpatentably obvious over Dubin in combination with Ford, Gunnerman, and Schwab. This rejection is respectfully traversed.

It is respectfully urged that the rejection is based on a flawed understanding of Dubin and the reactions that occur between the reactants taught. Filed herewith is the Declaration of Dr. Richard Ellis. The Declaration of Dr. Ellis establishes that the examiner's assumptions about Dubin are incorrect. The order in which the reactants are added are crucial in determining the products that are produced in the present situation. As established by the Declaration of Dr. Ellis, if all of the ingredients for the formation of the additive including unreacted Diels-Alder adducts and alkanolamine are mixed together as taught by Dubin, the neutralization reaction between the Diels-Alder adducts and the alkanolamines probably will not occur as there is no way to insure contact between the reactants. This result is necessary to the operation of the invention disclosed in the Dubin patent as the stabilizing agent needs to be oil soluble. The neutralization taking place first and forming a water soluble salt allows the stabilizing agent be dissolved in the water.

In addition, the Declaration of Dr. Ellis also establishes as untrue the examiner's statement that the teaching in Dubin of additives used for water continuous emulsions is more than adequate to suggest their use in an oil continuous emulsion. As set forth in the Declaration, the additive must be able to dissolve or disperse in the proper phase in order

to make a stable emulsion. Thus, according to the present invention, the Diels-Alder adducts are neutralized to make them water soluble (oil continuous phase) while in Dubin the Diels-Alder adducts need to be oil soluble (water continuous phase) to form a stable emulsion.

It is thus respectfully urged that the rejection based on Dubin is fatally flawed in that the assumptions made by the examiner concerning the operation of the Dubin disclosure are incorrect as demonstrated by the Declaration of Dr. Ellis. Thus, applicant's previously-made argument that the Diels-Alder acids are chemically different and exhibit different behavior in Dubin and in the present invention is correct. The Declaration of Dr. Ellis answers the examiner's query made at the bottom of page 4 of the Office Action wherein the examiner stated that it was not clear how the same additive components could have different properties. The Declaration of Dr. Ellis explains how the same additive components can have different properties in Dubin and in the present invention.

Applicants believe that the above-identified application is in condition for allowance, and such action is respectfully requested.

Respectfully submitted,
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